

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
FILE NO. 5:11CV103-RLV

THOMAS E. PEREZ, Secretary of Labor,)
United States Department of Labor,)
Plaintiff,)

v.)

JUDGMENT

BELDING HAUSMAN, INC.; BELDING)
HAUSMAN, INC. DEFERRED)
COMPENSATION PLAN; and CURTIS)
WILFORD STOWE, an individual;)
Defendants.)

This action was brought by Plaintiff, Thomas E. Perez, Secretary of Labor, United States Department of Labor (the “Secretary”), against Defendant Belding Hausman, Inc. (“Belding Hausman”) pursuant to sections 502(a)(2) and 502(a)(5), 29 U.S.C. §§ 1132(a)(2) and 1132(a)(5), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, *et seq.*, hereinafter referred to as ERISA. Defendant Belding Hausman was served in accordance with Rule 4 of the Federal Rules of Civil Procedure. The Clerk of Court, pursuant to Fed. R. Civ. P. 55(a), entered Default as to Belding Hausman. The Secretary has now moved for default judgment.

WHEREFORE, it is hereby ordered, adjudged, and decreed that,

- A. The Secretary’s motion for default judgment is **GRANTED**;
- B. Belding Hausman is hereby enjoined from violating the provisions of Title I of ERISA;
- C. Belding Hausman is hereby permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by

ERISA.

D. Belding Hausman shall make restitution to the Belding Hausman, Inc. Deferred Compensation Plan (“the Plan”) in the amount of \$156,136.73, with post judgment interest to be assessed against any remaining unpaid balance of such amount, in accordance with 28 U.S.C. § 1961, from the date of this Judgment until paid in full.

E. Belding Hausman is removed from any position it holds as a named or functional fiduciary to the Plan.

The Court, finding that there is no just reason to delay the entry of this Judgment, expressly directs the entry thereof as a final order, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Signed: August 7, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

